



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

SEP 15 2015

OFFICE OF
ENVIRONMENTAL
CLEANUP

QTXCF
8.1-2
9-15-15

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number 70141200000143206946

Thomas E. Mesevage
Senior Counsel
Vertellus Specialties Inc.
900 Lanidex Plaza, Suite 250
Parsippany, New Jersey 07054-2739

Re: Request for Information Pursuant to Section 104(e) of CERCLA
Quendall Terminals Superfund Site, Renton, Washington

Dear Mr. Mesevage:

This letter seeks your cooperation in providing information and documents relating to the Quendall Terminals Superfund Site located at 4503 Lake Washington Boulevard North on the southeast shore of Lake Washington in Renton, WA (Site). The U.S. Environmental Protection Agency, also called the EPA, is investigating the identification, nature, and quantity of materials that have been generated, treated, stored or disposed of at, or transported to, the Site; the nature or extent of the release of a hazardous substance, pollutant or contaminant at the Site; and information relating to the ability of persons to pay for or to perform a cleanup at the Site.

Pursuant to the authority of section 104 of the Comprehensive, Environmental Response, Compensation, and Liability Act, also referred to as CERCLA, 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request set forth in Enclosure 1, attached hereto. The EPA believes that Vertellus Specialties Inc is the successor-in-interest to the entities which owned the Site during when hazardous substances were disposed of at the Site.

Please respond to the Information Request within 30 days. Failure to respond fully and truthfully, or to adequately justify your failure to respond, can result in an enforcement action by the EPA, pursuant to section 104(e) of CERCLA and the imposition of penalties of up to \$37,500 per day of non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

The Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et seq.*

Your response to this request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by you to respond to this request. The notarized certificate must state that the response submitted to EPA is complete and contains all documents and information responsive to this request that are known to you following a complete and thorough review of all information and sources available to you. A suggested format for the notarized certificate is included with this request as Enclosure 2.

USEPA SF



1461875

The response to the Information Request should be mailed to:

U.S. Environmental Protection Agency
Region 10
Attn: Claire Hong
Remedial Project Manager
1200 Sixth Avenue
Mail Code: ECL-122
Seattle, WA 98101

The EPA strongly encourages you to give this matter your immediate attention and respond to the Information Request within the time specified above. If you have any questions relating to this Information Request, please contact Ted Yackulic, Assistant Regional Counsel, at (206) 553-1218 or yackulic.ted@epa.gov or Ms. Hong at (206) 553-1813 or hong.claire@epa.gov. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Shawn Blocker', with a stylized flourish at the end.

Shawn Blocker
Unit Manager
Site Cleanup, Unit 3

Enclosures

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total

Sent

Street
or P.O.

City,

**Thomas E. Mesevage
Senior Counsel**

Vertellus Specialties Inc.

**900 Lanidex Plaza, Suite 250
Parsippany, NJ 07054-2739**

Postmark
Here

9-16-15
Quendale Terminal
104e

9469 0234 7000 0027 4702

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (*Reverse*) PSN 7530-02-000-9047

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Thomas E. Mesevage
Senior Counsel
Vertellus Specialties Inc.
900 Lanidex Plaza, Suite 250
Parsippany, NJ 07054-2739



9590 9403 0670 5183 4816 15

2 Article Number (Transfer from service label)

7014 1200 0001 4320 6946

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

9/21/15

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

BY: *[Signature]*
 SEP 25 2015

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restrictor Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

Mail Restricted Delivery (O)

U.S. POSTAL SERVICE

2 SEP '15

FBI 91



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box•

Claire Hong
Remedial Project Manager
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue
Mail Code: ECL-122
Seattle, WA 98101

Quendall Terminal 104e

USPS TRACKING#



977 25 2015

01318850 9403 0670 5183 4808 4571

U.S. EPA

CERCLA SECTION 104(e)

REQUEST FOR INFORMATION

Respondent: Vertellus Specialties Inc.

Site: Quendall Terminals
4503 Lake Washington Blvd. N.
Renton, WA

The Quendall Terminals Superfund Site ("Quendall Terminal Site" or "Site") is the former location of creosote distilling and manufacturing operations conducted by Republic Creosoting Company and the Reilly Tar and Chemical Company. Vertellus Specialties Inc. is the successor-in-interest to these entities.

Please note:

- **Instructions** for responding to this Information Request start on Page 6, including the relevant time period covered by this Information Request.
- **Definitions** relevant to this Information Request start on Page 8. Definitions include words such as "Respondent," "Site," and "identify" and "Listed Facilities."

REQUEST FOR INFORMATION QUESTIONS

Respondent Information

1. Provide the full legal name and mailing address of the Respondent.
2. For each person answering these questions on behalf of Respondent, provide:
 - a. full name;
 - b. title;
 - c. business address; and
 - d. business telephone number and FAX machine number.
3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, please indicate here by providing that individual's name, address,

telephone number, and fax number.

Respondent Operations

4. State the dates during which Respondent or its predecessor owned and/or operated any portion of the Site.
5. Identify any facility that manufactured gas of any type or that were otherwise engaged in the gasification or refining of fossil fuel and that sent, transported, arranged for the transportation of, or otherwise transferred any materials, products, byproducts or wastes to the Quendall Terminals Site (including Republic Creosoting Company and the Reilly Tar and Chemical Corporation). For each facility identified, provide the name and address of the facility, identify the owner and operator of the facility at the time of transfer and its relationship to Respondent, and state the dates during which Respondent or its predecessor owned and/or operated any portion of the facility.
 - a. For each facility identified in response to request number 6, identify and provide all documents related to materials, products, byproducts or wastes that were sold, transported, sent or otherwise transferred to the Quendall Terminals Site (including Republic Creosoting Company and the Reilly Tar and Chemical Corporation). The response should include, but is not limited to, all tests, analyses, analytical sampling, and any other data concerning the constituents, including hazardous substances, of such materials, products, byproducts or wastes. Please include information regarding who conducted the test and how the test was conducted (e.g. batch sampling, representative sampling, splits, composite, etc.)
 - b. For each facilities, provide all contracts and/or agreements entered into by Respondent or its predecessors with persons or businesses that owned and/or operated the Quendall Terminals Site (including Republic Creosoting Company and the Reilly Tar and Chemical Corporation), or that shipped, transported, or otherwise transferred any materials, products, byproducts or wastes to the Site. Provide all pricing information including an explanation as to how the price was determined and when title transferred from Respondent or its predecessors to the third-parties. Also, provide all information concerning the purpose and intent of the contracts and/or agreements, including how the materials, products, byproducts or wastes were intended to be used to the Quendall Terminals Site.
 - c. For each facilities, identify the dates and the methods by which materials, products, byproducts or wastes were shipped, transported, or otherwise transferred to the Quendall Terminals Site (including Republic Creosoting

Company and the Reilly Tar and Chemical Corporation). This question is intended to include, but is not limited to, identification of carriers, mode of transport, and specifications for loading and unloading. Provide all documents related to such transport or transfers.

- d. For each facilities, quantify the total amount of each of the materials, products, byproducts or wastes sent, transported, or otherwise transferred to the Site.
6. If not already provided, for each of the Listed Facilities, provide all documents pertaining to sale, transfer, delivery or disposal of any materials, products, byproducts, or wastes sold or transferred to the Site. This request is intended to include, but is not limited to:
- a. purchase orders;
 - b. price lists, pricing sheets and quotes;
 - c. carrier records and agreements;
 - d. transport designations, manifests and other records;
 - e. marketing and/or advertising materials concerning materials sold, transferred, delivered and disposed of; and
 - f. accounting records concerning product quantity, alternative buyers and uses for materials sold.
7. If you have information concerning the course, content, or quantity of materials, products, byproducts, residuals, debris or wastes transported to or otherwise used at the facility that is not included in the information you have already provided, provide all such information.
8. Provide the names and last known address of any carriers or transporters of the materials, products, byproducts, residuals, debris or wastes identified in response to 7(b).
9. If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents who have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous substances, at, or transportation of hazardous substances to or from, the Site.

10. If not already provided, identify and provide a last known address or phone number for all person, including Respondent's current and former employees or agents who have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous substances at, or transportation of hazardous substances to or from, the Site.

Respondent's Ability to Fund or Perform Cleanup

11. Explanatory Statement

Provide a substantive statement with supporting information which explains the specific reason(s) why the company is claiming an inability to pay the proposed penalty.

12. Federal Tax Returns

Provide true and complete copies of signed federal tax returns for the years 2011, 2012, 2013, 2014, and 2015.

13. Annual Financial Statements

Provide true and complete copies of annual financial statements to include but not limited to Income Statement, Balance Sheet, Cash Flow Statement, and Depreciation Schedule. The fiscal years provided should for the most recent three years.

In the first instance, annual Financial Statements should be those completed by an outside CPA. In order of preference, this would be an audit, a review, or a compilation - and includes all attached notes. If an outside CPA does not prepare these financial statements, then company generated annual financial statements should be provided. In the event that final financial statements are not yet ready for a just completed fiscal year, provide a draft copy.

16. Year To Date Financial Statement

(a) If more than three months have elapsed from the end of the company's most recently completed fiscal year, provide the most current Year-To-Date financial statements.

(b) Indicate if there have been any substantive changes with respect to any notes contained in the most recent annual financial statement.

17. Company Management

(a) Provide the names of senior company officers and each officer's total annual remuneration (i.e., salary, bonus, options, perquisites) for each of the years requested for the financial statements.

(b) For the years 2010 to present indicate if any loans have been made between the company and an officer or between the company and a relative or personal acquaintance of any company officer or employee, and if so, the terms, conditions and current status of each loan.

(c) For the years 2010 to the present indicate if any other non-operating disbursements (e.g., grants, gifts, transfers, etc.) of assets have been made between the company and any of its officers, employees or any relative or personal acquaintance of any company officer or employee, and if so, the date and description of and the underlying reason for each disbursement.

18. Shareholders

For a non-public company beginning with the largest shareholder, provide the names of those shareholders who hold the first eighty percent (80%) of the company's voting stock. For each stockholder named, indicate the number of shares held and the respective dollar value .

19. Litigation

A statement with relevant details if the company currently is, or anticipates being a party to, any litigation which has not been noted in the most recent financial statement and which could impact the company's financial situation.

20. Financial Settlements

Provide a statement with relevant details if the company currently is, or anticipates receiving or paying, a financial settlement which has not been noted in the most recent financial statement.

21. Company Control and Affiliations

(a) For the period between 2005 and the present indicate if the company controlled or controls, or was or is controlled by or affiliated with any other company or entity, domestic or foreign. For each company or entity, provide:

- name, address and phone number
- type of affiliation (e.g., subsidiary, parent, etc.)
- names of senior officers and board of directors

– description of any operational ties (e.g., provides administrative services, provides marketing services, supplier etc.), and percentage of ownership and means of control.

(b) For the Review Period indicate whether the company had or currently has any business with any other entity where a company officer, director or principal had or currently has a financial interest in or control of that other entity.

22. Credit

(a) If the company has any lines of credit or other loans which have not been mentioned in the most recent financial statement, indicate the financial institution(s) or lender(s), the specific terms and conditions, and the current financial status of that line of credit or loan.

(b) If the company applied for and was denied credit (including a loan) during the Review Period, provide a statement containing details of that credit request and denial (i.e., date applied for, amount, name of financial institution/lender, date denied, etc.). Include a copy of the letter of denial from that financial institution/lender.

23. Insurance

Provide true and complete copies of each policy that provides any insurance coverage for the company regarding this specific environmental issue.

24. Market Conditions

If market conditions are a negative factor affecting the company's current financial health, provide a substantive statement with supporting information.

25. Other Assets

If the company has a financial interest in, control of, or is the beneficiary of any asset (real estate, major equipment, aircraft, watercraft, etc.) in the U.S. or in another country that has not been identified in the company's federal tax returns or in other financial information provided to EPA, identify each asset by type of asset, estimated value, and specific location (e.g., address, state or country).

26. Investigations

Identify and describe any investigations currently underway of the company and/or company officers that may have an impact on the company's operations or financial health.

27. Forward Looking Statements

Provide "Forward looking statements" made or issued publicly by the company or someone acting on behalf of the company during the past year.

Compliance with This Request.

28. Describe all sources reviewed or consulted in responding to this Request, including, but not limited to:

- a. the name and current job title of all individuals consulted;
- b. the location where all documents reviewed are currently kept.

INSTRUCTIONS

1. Answer Each Question Completely. Provide a separate answer to each question and subpart set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject the Respondent to the penalties set out in the cover letter. **The period being investigated and the relevant time period for responding to this request is 1916 to 1971.**
2. Number Each Answer. Number each answer with the number of the question to which it corresponds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. Seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Information Request.
4. Identify Information Sources. For each question, identify all persons and documents relied upon for the answer.
5. Confidential Information. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or trade secrets. The Respondent may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." A confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. **If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice.**
6. Disclosure to EPA Contractor. Information submitted in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if the Respondent asserts that all or part of it is confidential business information. EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If submitting information and asserting it is entitled to treatment as confidential business information, the Respondent may comment on EPA's intended disclosure within 14 days of receiving this Information Request.

7. **Personal Privacy Information.** Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from responses, included on separate sheet(s), and marked as "Personal Privacy Information." Note, however, that unless prohibited by law, EPA may disclose this information to the general public without further notice.
8. **Objections.** The Respondent must provide responsive information notwithstanding objections to certain questions. To object without providing responsive information may subject Respondent to the penalties set out in the cover letter.
9. **Privilege.** If a privilege is asserted for any document responsive to this Information Request, identify (see Definitions) the document and provide the basis for assertion. If a privilege exists for only a portion of a document, provide the portion of the document that is not asserted be privileged, identify the portion that is asserted to be privileged, and provide the basis for asserting privilege. **Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.**
10. **Declaration.** The Respondent must complete the enclosed declaration, certifying the accuracy of all statements in your response.

DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, *et seq.*, or Volume 40 of the Code of Federal Regulations (CFR), in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this request any information which might otherwise be construed to be outside its scope.
2. The terms "document" and "documents" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies. "Document" shall include, but not be limited to:
 - a. writings of any kind, including, but not limited to, any of the following:
 - i. letters, memoranda, fax transmittals;
 - ii. meeting minutes, telephone records, notebooks;

- iii. agreements and contracts;
 - iv. reports to shareholders, management, or government agencies;
 - v. transportation manifests; and
 - vi. copies of any document.
 - b. any film, photograph, or sound recording on any type of device;
 - c. any blueprints or drawings; and
 - d. attachments to, or enclosures with, any document.
3. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
4. The term "identify" means,
- a. with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position, or business.
 - b. with respect to a corporation, partnership, business trust, or other entity, to set forth: (a) its full name; (b) its complete street address; (c) its legal form (e.g., corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.
 - c. with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date of creation; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. **Alternatively**, Respondent may provide a complete copy of the document.
5. The term "Listed Facilities" includes the facility located at 4503 Lake Washington Blvd, Renton, WA and all facilities that were or are owned and/or operated by Respondent or its predecessors that sent, transported, arranged for the transportation of, or otherwise transferred any materials, products, byproducts or wastes to the Site.
6. The term "property" shall mean any interest in real or personal property whatsoever, including fee interests, leases, licenses, rental, and mineral rights.

7. The term "Respondent" shall mean the addressee of this Request and its predecessors, together with the addressee's agents, employees, and contractors.
8. The "Quendall Terminals Site" or "Site" shall mean any or all property or area currently known as Quendall Terminals, described as or near 4503 Lake Washington Blvd. N. in Renton, WA, King County tax parcel: 2924059002, and for purposes of this Information Request, all areas adjacent to Site that may have been used for purposes of loading or unloading including, but not limited to, docks and rail lines.
9. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, byproducts, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including, but not limited to, building debris and asbestos-containing material.

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true, and correct.

Executed on _____, 2015.

Signature

Type or Print Name

Title

Mailing Address: